vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.58 OF 2007

Shri Vijaykumar Popatlal Shah & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr.A.V. Anturkar for Petitioners
Mr.N.P. Deshpande, AGP, for Respondent No.1 and 2
Mr.Dilip Bodake for Responent No.3

CORAM: **J.N. PATEL &**
SMT.NISHITA MHATRE, JJ.

DATED: **DECEMBER 12, 2007**

P.C.:

. Heard. The petitioner has approached this Court with a grievance that the Respondent No.3 has developed a property belonging to the Government namely, Property bearing City Survey No.1078 and 1079 situated at Chakan Taluka Khed, District Pune and seeking a complete enquiry within a stipulated period with further direction that in case it is found that Respondent No.3 has constructed on Government land without any legal right then the subject land should be resumed back from Respondent No.3. In the affidavit in reply, the respondent Collector has only expressed his helplessness in the matter by stating that the Collector is too busy and official and therefore, no such writ can be issued against him to conduct an enquiry and complete within a stipulated period and that the enquiry is being

conducted in the matter and necessary action would be taken in accordance with law.

2. We, therefore, dispose of this petition with a direction to the respondent Collector that in case no enquiry has been initiated into the complaint lodged by the petitioner against Respondent No.3, he should initiate an enquiry into the matter either by himself or through an officer not less than the rank of a SDO and take appropriate action in accordance with law. We will appreciate the Collector to complete this exercise within a reasonable time i.e. six months from the date of communication of this order. The petitioner to communicate this order to the Collector, Pune.

3. Needless to say that Respondent No.3 would get a fair opportunity to participate in the enquiry and would be heard before a decision is taken in the matter. Petition stands disposed of accordingly.

(J.N. PATEL, J.)

(SMT.NISHITA MHATRE, J.)